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IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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EXAMINER	
PHAM, KHANH B	

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. DETTINGER and RICHARD J. STEVENS

Appeal 2009-002502
Application 10/753,520
Technology Center 2100

Decided: February 24, 2010

Before LANCE LEONARD BARRY, ST. JOHN COURTENAY, III, and CAROLYN D. THOMAS, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-15 and 17-22. The Appellants appeal therefrom under 35 U.S.C. § 134(a) (2002). We have jurisdiction under 35 U.S.C. § 6(b) (2008).

INVENTION

The invention at issue on appeal "generat[es] . . . database transactions based on attributes of existing queries." (Spec. 1.)

ILLUSTRATIVE CLAIM

> 1. A computer-implemented method for generating a transactional database statement based on an existing database statement, comprising:
>
> parsing the existing database statement to identify fields and corresponding field attributes;
>
> utilizing one or more interfaces for receiving input regarding the transactional database statement; and
>
> generating the transactional database statement based on the identified fields and user input.

PRIOR ART

Davison	2003/0037069	Feb. 20, 2003

REJECTION

Claims 1-15 and 17-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Davison.

ISSUE

> The Examiner makes the following findings:
>
> Davison teaches at [0070] that the pre-generated queries are created and stored in separate files on the server or a single file could contain a library of related queries. Davison therefore teaches a library file contains pre-generated database statement, and parsing the library file is same as parsing the pre-generated database statement.

(Ans. 12.) The Appellants argue that "*Davison* teaches parsing a library file, and not a query." (Br. 11.) Therefore, the issue before us is whether the Appellants have shown error in the Examiner's finding that Davidson parses an existing database query to identify fields and corresponding field attributes.

LAW

"It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim, and that anticipation is a fact question . . . ." *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)).

FINDINGS OF FACT ("FFs")

1. Davison discloses "a system for gathering data from a web-based server, transmitting the data to a web-based client, and storing the data on the web-based client." ([0012].) More specifically, an "enabler agent 102 retrieves data from [a] server database 112 in response to a data request from a user." ([0063].)

2. "[A]n administrator pre-generates a set of database queries and stores those queries on the server." ([0069].) "[F]or example, a single file could contain a library of related queries. The enabler agent in this example would parse the library file to locate the particular query specified in the request." ([0070].)

ANALYSIS

Davison discloses "a system for gathering data from a web-based server, transmitting the data to a web-based client, and storing the data on the client." (FF 1.) More specifically, pre-generated database queries are stored on the server. (FF 2.) A single file stored on the server could contain a library of related queries. (*Id.*) In response to a user's request, the server's enabler agent retrieves data from the server's database. (FF 1.) In retrieving the data, the reference teaches that the enabler agent parses the library file to locate the particular query specified in the request. (FF 2.)

Based on the latter teaching, we agree with the Appellants that "*Davison* teaches parsing a library file, and not a query." (Br. 11.) In contrast, we neither understand nor agree with the Examiner's aforementioned finding "that parsing the library file is same as parsing the pre-generated database statement." (Ans. 12.) The absence of parsing an existing database query to identify fields and corresponding field attributes negates the Examiner's finding of anticipation.

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Appellants have shown error in the Examiner's finding that Davison parses an existing database query to identify fields and corresponding field attributes.

DECISION

We reverse the rejection of claims 1-15 and 17-22.

REVERSED

nhl

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